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10/044,075	01/11/2002	George Likourezos	1002 CIP III	7427

7590

06/16/2005

George Likourezos  
9321 Ridge Boulevard  
Brooklyn, NY 11209

EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/044,075

Applicant(s)

LIKOUREZOS ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,12,16,17,27,32,40,41,44,47,49,55,61,62 and 70-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,12,16,17,27,32,40,41,44,47,49,55,61,62 and 70-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/14/2005 has been entered.
2. Claims 1-2, 12, 16-17, 27, 32, 40-41, 44, 47, 49, 55, 61-62, 70-74, remained pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 12, 16-17, 27, 32, 40-41, 44, 47, 49, 55, 61-62, 70-74, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogosian et al (Hereinafter Bogosian U.S. Patent No. 6, 760, 470) in view of in view of Picciallo U.S Patent 6, 044, 360.

As per claims 1, 62, 70-74, Bogosian discloses a method for effecting payment for at least one item

offered for auction sale by a seller and via an electronic auction web site and won by a winning bidder, where the electronic auction web site is accessible by a plurality of users and maintained by an electronic auction system, the method comprising receiving informational data from the plurality of users via at least one web gage by an operator of the electronic auction web site (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) and corresponding to the plurality of users of the electronic auction web site using the informational data received via the at least one web page, wherein funds stored within the plurality of payment accounts can be used by said plurality of users for effecting payment for network transactions associated with said electronic auction web site (see column 13 lines 65 and column 14 line 5 and column 5

lines 35-55) linking said plurality of payment accounts to at least one computing device of the electronic auction system:

displaying a link on the electronic auction web site for providing said plurality of users which includes the winning bidder access to their respective payment accounts for viewing the amount of funds stored therein (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) determining the conclusion of the auction sale by the electronic auction system, interacting with said winning bidder by the electronic auction system by performing the steps of

sending an e-mail by the electronic auction system to the winning bidder;

receiving, via one of the electronic auction web site and the e-mail, at least one input from the winning bidder indicating an initiation to effect payment to the seller (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) providing a payment page to the winning bidder after receiving the at least one input from the winning bidder, said payment page displaying the amount of funds to be deducted from payment account of the plurality of payment accounts corresponding to the winning bidder (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) and receiving, via the payment page, authorization from the winning bidder to proceed with effecting payment to the seller deducting funds from the payment account and corresponding to the winning bidder; and using at least a portion of the deducted funds to effect payment to at least the seller, wherein the method for effecting payment does not provide for any interaction between the winning bidder and the seller.(see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

Bogosian fail to explicitly teach creating a plurality of payment accounts configured for storing funds therein.

However Picciallo discloses controller processor for processing data according to command instructions and for creating customer account files, the controller processor having a data storage device associated therewith for storing file records of the amounts of funds deposited by the accounts holders in the preestablished accounts each file containing a primary file into which the amount of funds deposited is recorded, and a secondary file into which at least a portion of the amount of the deposited funds may be

transferred and recorded by the controller processor in response to command instructions issued by the account holder, wherein the amount of the funds transferred to the secondary file may be electronically transferred by the controller processor to payees selected by the third party recipients in response to command instructions issued by the third party recipients, and wherein the system further includes a data storage device associated with the controller processor for storing file records of information on each selected payee of funds from the secondary file and the corresponding payment amount. (see column 2 lines 30-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian to include creating a plurality of payment accounts configured for storing funds therein taught by Picciallo in order to facilitate the collection of the total bid of the winning group.

As per claim 2, Bogosian discloses further comprising the using at least another portion of the deducted funds to effect payment to an the operator of the electronic auction web site. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55)

As per claim 12, Bogosian discloses a method for effecting payment for at least one item offered for sale by a seller and purchased by a buyer via an electronic auction web site, where the electronic auction web site is accessible by a plurality of users and maintained by an electronic auction system, the method comprising receiving informational data from the plurality of users via at least one web page by an operator of the electronic auction web site, and corresponding to the plurality of users of the electronic auction web site using the informational data received via the at least one web page (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) wherein funds stored within the plurality of payment accounts can be used by said plurality of users for effecting payment for network transactions associated with said electronic auction web site, linking said plurality of payment accounts to at least one computing device of the electronic auction system(see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55)

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displaying a link on the electronic auction web site for providing said plurality of users which includes the buyer access to their respective payment accounts for viewing the amount (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) determining the conclusion of the auction sale by the electronic auction system, interacting with said buyer by the electronic auction system by performing the steps of sending an e-mail by the electronic auction system to the buyer of the at least one item; receiving, via one of the electronic auction web site and the e-mail, at least one input from the buyer indicating an initiation to effect payment to the seller; providing a payment page to the buyer after receiving the at least one input from the buyer; and receiving, via the payment page, authorization from the buyer to effect payment to the seller of the at least one item (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) and effecting payment to at least the seller of the at least one item by transferring funds to one of the plurality of payment accounts corresponding to the seller (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55). Bogosian fail to explicitly teach creating a plurality of payment accounts configured for storing funds therein.

However Picciallo discloses controller processor for processing data according to command instructions and for creating customer account files, the controller processor having a data storage device associated therewith for storing file records of the amounts of funds deposited by the accounts holders in the preestablished accounts each file containing a primary file into which the amount of funds deposited is recorded, and a secondary file into which at least a portion of the amount of the deposited funds may be transferred and recorded by the controller processor in response to command instructions issued by the account holder, wherein the amount of the funds transferred to the secondary file may be electronically transferred by the controller processor to payees selected by the third party recipients in response to command instructions issued by the third party recipients, and wherein the system further includes a data storage device associated with the controller processor for storing file records of information on each selected payee of funds from the secondary file and the corresponding payment amount. (see column 2 lines 30-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian to include creating a plurality of payment accounts configured for storing funds therein taught by Picciallo in order to facilitate the collection of the total bid of the winning group.

As per claim 16, Bogosian discloses a method for effecting payment for at least one item offered for sale by a seller and purchased by a buyer via an electronic auction web site, where the electronic auction web site is accessible by a plurality of users and maintained by an electronic auction system, the method comprising: maintaining a payment account and corresponding to the seller, said payment account being created by receiving informational data by an operator of the electronic auction web site transmitted from the seller via at least one web page (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) receiving, via one of the electronic auction web site and an e-mail transmitted by the electronic auction system, at least one input from the buyer indicating an initiation to effect payment (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) and effecting payment to the seller after receiving the at least one input by transferring funds to the payment account corresponding to the seller, wherein the method for effecting payment does not provide for any interaction between the buyer and the seller. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

Bogosian fail to explicitly teach storing funds therein.

However Picciallo discloses controller processor for processing data according to command instructions and for creating customer account files, the controller processor having a data storage device associated therewith for storing file records of the amounts of funds deposited by the accounts holders in the preestablished accounts each file containing a primary file into which the amount of funds deposited is recorded, and a secondary file into which at least a portion of the amount of the deposited funds may be transferred and recorded by the controller processor in response to command instructions issued by the account holder, wherein the amount of the funds transferred to the secondary file may be electronically transferred by the controller processor to payees selected by the third party recipients in response to command instructions

issued by the third party recipients, and wherein the system further includes a data storage device associated with the controller processor for storing file records of information on each selected payee of funds from the secondary file and the corresponding payment amount. (see column 2 lines 30-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian to include storing funds therein taught by Picciallo in order to facilitate the collection of the total bid of the winning group.

As per claim 17, Bogosian discloses wherein the step of effecting payment comprises:  
deducting funds from a payment account storing funds therein and corresponding to the buyer; and transferring at least a portion of the deducted funds to at least one account corresponding to an operator of the electronic auction web site. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

As per claim 27, Bogosian discloses a method for effecting payment for at least one item offered for sale by a seller and purchased by a buyer via an electronic auction web site, where the electronic auction web site is accessible by a plurality of users and maintained by an electronic auction system, the method comprising maintaining a plurality of payment accounts and each capable of being used for effecting payment for network transactions associated with said electronic auction web site, one of the plurality of payment accounts corresponds to the buyer and is accessible by (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) the he buyer via the electronic auction web site for transmitting information to an operator of the electronic auction web site for changing at least one payment source used for funding said payment account and for authorizing the loaning of funds to said buyer (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) wherein the loaning of funds to the buyer does not include charging a credit card associated with the bum receiving at least one input from the buyer to initiate a payment method (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) and initiating the payment method, wherein the payment method is at least one of deducting funds from the payment account and corresponding

to the buyer and loaning funds to the buyer for effecting payment, wherein the method for effecting payment does not provide for any interaction between the buyer and the seller. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

Bogosian fail to explicitly teach storing funds therein.

However Picciallo discloses controller processor for processing data according to command instructions and for creating customer account files, the controller processor having a data storage device associated therewith for storing file records of the amounts of funds deposited by the accounts holders in the preestablished accounts each file containing a primary file into which the amount of funds deposited is recorded, and a secondary file into which at least a portion of the amount of the deposited funds may be transferred and recorded by the controller processor in response to command instructions issued by the account holder, wherein the amount of the funds transferred to the secondary file may be electronically transferred by the controller processor to payees selected by the third party recipients in response to command instructions issued by the third party recipients, and wherein the system further includes a data storage device associated with the controller processor for storing file records of information on each selected payee of funds from the secondary file and the corresponding payment amount. (see column 2 lines 30-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian to include configured for storing funds therein taught by Picciallo in order to facilitate the collection of the total bid of the winning group.

As per claim 32, Bogosian discloses wherein the e-mail includes a link to an electronic auction payment system, wherein the step of receiving at least one input from the buyer comprises the step of receiving an indication via the link to connect the buyer to the electronic auction payment system (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55). wherein the electronic auction payment system is in electronic operative communication with the electronic auction system via at least one of an Internet and a non-Internet connection, and wherein the step of sending the e-mail by the electronic auction system to the buyer is performed automatically without receiving any

input from the seller or the buyer after a determination is made by the electronic auction system as to the identity of the buyer. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

As per claim 40, Bogosian discloses wherein the incentive offer is selected from the group consisting of adding a predetermined amount of funds to the payment account corresponding to the buyer, adding a predetermined amount of funds to a payment account corresponding to the seller(see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55). paying shipping charges for the at least one item, offering at least one of the buyer and the seller at least one chance of winning a prize drawing, and automatically entering at least one of the and the seller buyer in a periodic sweepstakes. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

As per claim 41, Bogosian discloses further comprising the investing the funds within the at least one payment account corresponding to the buyer; and transferring at least a portion of funds earned by investing to the payment account corresponding to the buyer. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

As per claim 44, Bogosian discloses further comprising the step-e□ automatically sending the e-mail by the electronic auction system to the buyer without receiving any input from the seller or the buyer after a determination is made by the electronic auction system as to identity of the buyer (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55). wherein the e-mail includes a link to an electronic auction payment system, wherein the step of receiving at least one input from the buyer comprises the step of receiving an indication via the link to connect the buyer to the electronic auction payment system, and wherein the electronic auction payment system is in electronic operative communication with the electronic auction system via at least one of an Internet and a non-Internet connection. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

As per claim 47, Bogosian discloses a method for effecting payment for at least one item offered for sale via an electronic commerce web site by a seller and purchased by a buyer, where the electronic commerce web site is accessible by a plurality of users

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for listing items for sale and purchasing listed items, the electronic commerce web site being maintained by an electronic commerce system, the method comprising receiving inputs via at least one web page by an operator of the electronic commerce web site (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) creating a plurality of payment accounts corresponding to o the plurality of users using the inputs received by the operator of the electronic commerce web site, each of said plurality of payment accounts and each capable of being used by said plurality of users for effecting payment for network transactions associated with said electronic commerce web site(see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) sending an e-mail by the electronic commerce system to the buyer of the at least one item; receiving, via one of the electronic commerce web site and the e-mail, at least one input from the buyer indicating an initiation to effect payment (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) providing at least one payment page to the buyer after receiving the at least one input from the buyer; receiving, via the at least one payment page, authorization from the buyer to effect payment to the seller of the at least one item; and effecting payment to at least the seller of the at least one item by transferring funds to one of the plurality of payment accounts. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

Bogosian fail to explicitly teach creating a plurality of payment accounts configured for storing funds therein.

However Picciallo discloses controller processor for processing data according to command instructions and for creating customer account files, the controller processor having a data storage device associated therewith for storing file records of the amounts of funds deposited by the accounts holders in the preestablished accounts each file containing a primary file into which the amount of funds deposited is recorded, and a secondary file into which at least a portion of the amount of the deposited funds may be transferred and recorded by the controller processor in response to command instructions issued by the account holder, wherein the amount of the funds transferred to the secondary file may be electronically transferred by the controller processor to payees selected by the third party recipients in response to command instructions

issued by the third party recipients, and wherein the system further includes a data storage device associated with the controller processor for storing file records of information on each selected payee of funds from the secondary file and the corresponding payment amount. (see column 2 lines 30-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian to include creating a plurality of payment accounts configured for storing funds therein taught by Picciallo in order to facilitate the collection of the total bid of the winning group.

As per claim 49, Bogosian discloses wherein the step of effecting payment to at least the seller comprises deducting funds from a payment account of the plurality of payment accounts storing funds therein and corresponding to the buyer; and transferring at least a portion of the deducted funds to at least one account corresponding to an operator of the electronic commerce system web site. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

As per claim 55, Bogosian discloses an integrated electronic commerce and electronic payment platform for effecting payment for at least one item offered for sale via an electronic commerce web site by a seller and purchased by a buyer, where the electronic commerce web site is accessible by a plurality of users for listing items for sale and purchasing listed items, the electronic commerce web site being maintained by an electronic commerce system, the integrated electronic commerce and electronic payment computer platform having application software for performing a payment method comprising maintaining a plurality of payment accounts of said integrated platform, each of said plurality of payment accounts and each capable of being used for effecting payment for network transactions associated with said electronic commerce web site and for complying to an incentive offer made by an operator of the electronic commerce web site (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) wherein said incentive offer provides for a user of said plurality of users to perform an activity via said electronic commerce web site which will cause a change in the amount of funds stored in

a payment account corresponding to the user (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) receiving at least one input from the buyer indicating an initiation to effect payment providing at least one payment page to the buyer after receiving the at least one input from the buyer;  
receiving, via the at least one payment page, authorization from the buyer to use a particular payment method to effect payment to the seller (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) automatically determining in accordance with the particular payment method at least one payment account from the plurality of payment accounts which corresponds to the buyer for deducting funds therefrom (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) deducting funds from the at least one payment account corresponding to the buyer; and transferring at least a portion of the deducted funds to at least one payment account from the plurality of payment accounts which corresponds to the seller to effect payment to the seller (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55) wherein the at least one payment account corresponding to the buyer and the at least one payment account corresponding to the seller are stored within a database system of the integrated platform, and wherein data stored within the database system are accessible by the plurality of users via a link of the electronic commerce web site. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

Bogosian fail to explicitly teach configured for storing funds therein.

However Picciallo discloses controller processor for processing data according to command instructions and for creating customer account files, the controller processor having a data storage device associated therewith for storing file records of the amounts of funds deposited by the accounts holders in the preestablished accounts each file containing a primary file into which the amount of funds deposited is recorded, and a secondary file into which at least a portion of the amount of the deposited funds may be transferred and recorded by the controller processor in response to command instructions issued by the account holder, wherein the amount of the funds transferred to the secondary file may be electronically transferred by the controller processor to payees selected by the third party recipients in response to command instructions

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issued by the third party recipients, and wherein the system further includes a data storage device associated with the controller processor for storing file records of information on each selected payee of funds from the secondary file and the corresponding payment amount. (see column 2 lines 30-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian to include creating a plurality of payment accounts configured for storing funds therein taught by Picciallo in order to facilitate the collection of the total bid of the winning group.

As per claim 61, Bogosian discloses wherein the electronic commerce system is an electronic auction system and the electronic commerce web site is an electronic auction web site. (see column 13 lines 65 and column 14 line 5 and column 5 lines 35-55).

#### Conclusion

#### Response to Arguments

5. Applicant's arguments files on 03/14/05 have been fully considered but they are moot in view of new grounds or rejection.

6. Any inquiry concerning this communication from the examiner should be directed to Clement Graham at (703) 305-1874. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.


7. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Sam Hyung can be reached on (703) 305-0505.

The Official Fax Number for TC-3600 is: (703) 305-7687

Clement Graham

Patent Examiner

June 13, 2005

  
**FRANTZY POINVIL**  
**PRIMARY EXAMINER**  
*AU 3628*